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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/726,558

12/01/2000

Ryo Ozawa

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7055 7590 05/01/2008  
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EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

05/01/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/726,558		OZAWA, RYO	
	<b>Examiner</b>		<b>Art Unit</b>	
	DAVID CZEKAJ		2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4,6-10,12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-10,12 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/11/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

On pages 8-14, applicant argues that Uehara fails to disclose the second frequency being higher than the first frequency in order to enable the processing unit to process a larger number of image pixel signals. While the applicant's points are understood, the examiner respectfully disagrees. See for example Uehara column 15, lines 30-45. There Uehara discloses using two different frequencies. Uehara further discloses in column 15, lines 50-54, using the frequencies to switch between the parent screen and child screen. Since the parent screen is larger in size (and thus containing a larger number of image pixels), Uehara uses the higher frequency to output the larger number of pixels. Further, the examiner notes that it is well known in the art to use higher frequencies when outputting larger amounts of data. Therefore the rejection has been maintained.

On page 10, applicant argues that Kanno fails to disclose displaying a patient data list display. While the applicant's points are understood, the examiner respectfully disagrees. The examiner relied upon Nishikori, not Kanno, to teach this limitation. Therefore the rejection has been maintained.

On page 12, applicant argues that Nishikori fails to disclose a scene-changing system that changes a scene between an endoscope and patient data list. While the applicant's points are understood, the examiner respectfully disagrees. The examiner relied upon Kanno, not Nishikori, to teach the scene changing system. Therefore the rejection has been maintained.

On pages 12-13, applicant argues that the combined teachings of Kanno, Nishikori, and Uehara fail to disclose a scene changing system that changes a scene between an endoscope image display and patient data list display including character code data, timing controller that outputs a first series of clock pulses having a first frequency when endoscope image is display and outputs second series having second frequency when patent list is displayed, wherein the second frequency is higher than the first in order to enable an image processing unit to process a larger number of image pixel signals. While the applicant's points are understood, the examiner respectfully disagrees. See for example Kanno figures 24, 30A, 32, 33, and column 23, line 53 – column 24, line 67. There Kanno discloses a scene changing system that changes a scene on the monitor between the image and list display including character code data. While Kanno illustrates the patient data list, the examiner notes this list is not actually displayed. See for example Nishikori figures 15D, 15F, 15I, and 15J. There Nishikori discloses displaying a patient data list. See for example Uehara column 15, lines 30-45. There Uehara discloses using two different frequencies. Uehara further discloses in column 15, lines 50-54, using the frequencies to switch between the parent screen and child screen. Since the parent screen is larger in size (and thus containing a larger number of image pixels), Uehara uses the higher frequency to output the larger number of pixels. Hence, the combination, taken as a whole, disclose a scene changing system that changes a scene between an endoscope image display and patient data list display including character code data, timing controller that outputs a first series of clock pulses having a first frequency when endoscope image is display and outputs second series

having second frequency when patent list is displayed, wherein the second frequency is higher than the first in order to enable an image processing unit to process a larger number of image pixel signals. Therefore the rejection has been maintained.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-10, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanno et al. (5583566), (hereinafter referred to as "Kanno") in view of Nishikori et al. (5627584), (hereinafter referred to as "Nishikori") in further view of Uehara et al. (5034888), (hereinafter referred to as "Uehara").

Regarding claims 1 and 7, Kanno discloses an apparatus for interfacing a medical instrument wherein no cable for transmitting information is required (Kanno: column 4, lines 63-65). This apparatus comprises an "endoscope having a solid state image sensor provided at a distal end, an image signal processing unit that produces a video signal based on the image signals, and a monitor for reproducing and displaying the images" (Kanno: column 7, lines 43-54, wherein the solid state image sensor is the CCD which is located on the tip or distal end and the signal processing unit is the conversion of the input signal to a video signal). The system further comprises a "scene changing system that changes a scene on the monitor between an endoscope image display scene

and a patient data list display scene” (Kanno: figure 32, wherein the user has the ability to change the scene between the endoscope image display or endoscope inspection and the patient data list or patient data management), “storage system that stores patient data forming a patient data list” (Kanno: figure 30A, column 22, lines 49-55, wherein the storage device is the hard disc), “a selection system that selects individual patient data” (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the selection system is the program displayed on the screen in figure 32), and a “display control system that displays the individual patient data together with the endoscope image on the monitor when the scene is changed from the patient list to the endoscope image display” (Kanno: figures 24 and 33, wherein the endoscope images are displayed in box 203a). Kanno further discloses an “indicator system that visually indicates patient data to be selected from the patient data list” (Kanno: column 23, lines 47-55, wherein the visual indicator is the mouse), “manual operation system that controls the indication of the patient data to be selected from the list” (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the operating system is the program that runs the menu displayed on the screen in figure 32) and a “manual settlement system that manually settles the indication of the patient data to be selected from the patient data list” (column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse “click” manually settles or selects the appropriate data). Although one of ordinary skill would realize that Kanno’s apparatus would utilize clock signals to transfer data, this apparatus

lacks displaying the patient data list on a monitor and the specifics of the clock signals as claimed. Nishikori teaches that prior art endoscope systems make the operating procedure more complex (Nishikori: column 1, lines 48-52). To help alleviate this problem, Nishikori discloses “a patient data list which is displayed on the monitor” (Nishikori: figures 15D, 15F, 15I, and 15J). Uehara teaches that prior art endoscope systems have a need for improving the quality of real-time images which are normally observed (Uehara: column 4, lines 40-45). To help alleviate this problem, Uehara discloses “a timing controller that provides clock pulses to the processing unit, the timing controller outputting a first series of clock pulses having a first frequency and a second series of clock pulses having a second frequency higher than the first frequency” (Uehara: column 15, lines 29-59, wherein the clock pulses is the clock frequency and discriminating signal which are used when displaying endoscopic images) and “the second frequency being higher than the first frequency in order to enable the processing unit to process a larger number of image pixel signals” (Uehara: column 15, lines 30-60). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kanno, add the patient list display taught by Nishikori, and add the clock pulses taught by Uehara in order to obtain an apparatus that produces high quality video images at a lower operating procedure complexity.

Regarding claims 2 and 8, Kanno discloses an “editing system that edits the patient data forming the patient data list” (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management).

Regarding claims 3 and 9, Nishikori discloses “the production of the video signal is performed by the image signal processing unit such that as much patient information as possible is included in the patient data list to be displayed on the monitor when the scene is changed from the endoscope image display to the patient data list display” (Nishikori: figure 15D, wherein the endoscope image display is invoked by pressing the CV-100 button, figure 15I, wherein the screen is shown to occupy the entire screen to display as much information as possible).

Regarding claims 4 and 10, Kanno in view of Uehara disclose “wherein the timing controller outputs the first series of clock pulses in accordance with a number of image pixel signals obtained from the sensor of an endoscope” (Kanno: column 8, lines 38-59; Uehara: column 15, lines 29-59).

Regarding claims 6 and 12, Kanno discloses an “editing system that edits the patient data forming the patient list” (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management), and a “determination system that determines whether the editing of the patient data is performed by an editing system after the activation of the manual settlement system, the editing of the patient data being settled by an activation of the manual settlement system when the performance of the editing of the patient data is confirmed by the determination system” (Kanno: column 23, lines 47-55, wherein the settlement



system is the mouse in that the mouse “click” manually settles or selects the appropriate data. The data will not be edited until the selection is “clicked” or confirmed by the system).

Regarding claim 16, note the examiners rejection for claim 1.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID CZEKAJ whose telephone number is (571)272-7327. The examiner can normally be reached on Mon-Thurs and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dave Czekaj/

Art Unit 2621

/Mehrdad Dastouri/

Supervisory Patent Examiner, Art Unit 2621